



## **SEPTEMBER 9 - 13, 2002 ST. LOUIS, MISSOURI**

**David R. Hansen, Chief Judge - Cedar Rapids, IA**

### **Circuit Judges in Active Service**

**Theodore McMillian - St. Louis, MO  
Pasco M. Bowman - Kansas City, MO  
Roger L. Wollman - Sioux Falls, SD  
James B. Loken - Minneapolis, MN  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR**

### **Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Gerald W. Heaney - Duluth, MN  
Myron H. Bright - Fargo, ND  
Donald R. Ross - Omaha, NE  
Richard S. Arnold - Little Rock, AR  
John R. Gibson - Kansas City, MO  
George G. Fagg - Des Moines, IA  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

***Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10<sup>th</sup> Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28. Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27. Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.***

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans  
Clerk of Court

**The following visiting judge is sitting with the Court in September:**

The Honorable Andrew W. Bogue  
U.S. Senior District Judge  
Rapid City, South Dakota

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*Updated 9/6/02*

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**MONDAY, SEPTEMBER 9, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES HANSEN, LAY, MURPHY**

**LLB**

1.	01-3685EM 02-1361EM	Robert A. Shafer v. Michael Bowersox Robert A. Shafer v. Michael Bowersox	30
2.	01-3522WM	Liberty Mutual Insurance Company v. FAG Bearings Corporation	20
3.	01-3580EA	Concord Boat Corporation, et al. v. Brunswick Corporation, etc.	15
4.	01-3907EA	Dedrick Williams v. Ecolab, Inc.	15
	02-1151EM	Joshua Hunt, etc., et al. v. Lincoln County Memorial Hospital	<b>REMOVED</b>
	02-1455WM	Rita Lindsey v. Dillard's, Inc.	<b>NO ARG</b>

**TUESDAY, SEPTEMBER 10, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES HANSEN, R. ARNOLD, LOKEN**

**SRD**

1.	01-3044WM	Leamon White v. Al Luebbers	30
2.	02-1729WM	United States v. Joshua D. Stapleton	15
3.	01-3952WM	United States v. Quintin L. Brown	15
4.	02-1450WM	United States v. Jeremy William Coyle	15
5.	02-1204WM	United States v. Pedro Enrique Traveasa Oropesa	10
6.	02-1806EM	United States v. Monroe Evans, etc.	10

**DIVISION I  
28<sup>th</sup> Floor  
En Banc Courtroom**

**EN BANC SESSION**

**WEDNESDAY, SEPTEMBER 11, 2002, BEGINNING AT 9:00 A.M.**

**BEFORE JUDGES HANSEN, BRIGHT, MCMILLIAN, BOWMAN, WOLLMAN, LOKEN,  
M. ARNOLD, MURPHY, BYE, RILEY, MELLOY, SMITH  
JMh**

01-1272EM            United States v. John Robert Andis, etc            20

**BEFORE JUDGES HANSEN, HEANEY, MCMILLIAN, BOWMAN, WOLLMAN, BEAM,  
LOKEN, M. ARNOLD, MURPHY, BYE, RILEY, MELLOY, SMITH**

00-4079NE            Carey D. Moore v. Michael L. Kinney, etc.            20

**BEFORE JUDGES HANSEN, LAY, HEANEY, MCMILLIAN, BOWMAN, WOLLMAN,  
LOKEN, M. ARNOLD, MURPHY, RILEY, MELLOY, SMITH**

01-1947ND            Brian Olander v. State Farm Mutual  
Automobile Insurance Company, et al.            20

**BEFORE JUDGES HANSEN, MCMILLIAN, BOWMAN, WOLLMAN, LOKEN,  
M. ARNOLD, MURPHY, BYE, RILEY, MELLOY, SMITH**

01-3695ND            United States v. Billy Jo Lara, etc.            20

**DIVISION I**  
**28<sup>th</sup> Floor**  
**En Banc Courtroom**

**THURSDAY, SEPTEMBER 12, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES HANSEN, WOLLMAN, RILEY**

**LMT**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 01-2248EA | Life Plus International v. Robert L. Goodrich |    |
|    | 01-2882EA | Life Plus International v. Robert L. Goodrich | 15 |

**BEFORE JUDGES HANSEN, RILEY, SMITH**

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|----|-----------|--|----|
| 2. | 02-1025WM | Equal Employment Opportunity<br>Commission v. Liberal R-II School District |    |
|    | 02-1029WM | Equal Employment Opportunity<br>Commission v. Liberal R-II School District | 20 |
| 3. | 02-1647WM | Jessica Spurling, etc., et al. v. Wallace<br>Henrickson, et al.            | 20 |
| 4. | 01-3344EM | Terry Sanders v. May Department Stores, etc.                               | 15 |
| 5. | 02-1368EA | Marilyn Dedmon v. Carolyn Staley, etc.                                     | 15 |

**FRIDAY, SEPTEMBER 13, 2002, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES MCMILLIAN, M. ARNOLD, BOGUE**

**DLA**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 01-4016   | Gabel Stone Company, Inc. v. Federal Mine<br>Safety and Health Review Commission, et al. | 20 |
| 2. | 02-1024EM | Carole Bendet, et al. v. Sandoz Pharmaceuticals<br>Corporation                           | 15 |
| 3. | 02-2020WA | Judy C. Elder v. Jo Anne B. Barnhart, etc.   | 15 |
| 4. | 02-1114EM | Eugene Booker v. City of St. Louis, etc., et al.   | 15 |
| 5. | 02-1497EA | Shirley Bowman v. Jo Anne B. Barnhart, etc.  | 10 |

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**MONDAY, SEPTEMBER 9, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MCMILLIAN, R. ARNOLD, MELLOY**  
**CMD**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 01-3077EA | United States v. Bob Newton Rushing   |    |
|    | 01-3082EA | United States v. David Jewell Jones   |    |
|    | 01-3428EA | United States v. Tony Ma, etc.  |    |
|    | 01-3266EA | United States v. David Jewell Jones   |    |
|    | 01-3526EA | United States v. Tony Ma, etc.  | 30 |
| 2. | 01-3412   | In re: Popkin & Stern, Debtor<br>Robert J. Blackwell, etc. v. Ronald U. Lurie | 15 |
| 3. | 01-3759WM | Helene Eichenwald v. Stephen Bradley Small                                    | 15 |
| 4. | 01-3969WM | United States v. Eddie P. Roberts   | 15 |
| 5. | 02-1779WA | Leon Jenkins v. Southern Farm Bureau Casualty                                 | 10 |

**TUESDAY, SEPTEMBER 10, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES BOWMAN, LAY, MURPHY**  
**DMH**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 02-1824EM | Gary Lee Eckelkamp, et al. v. Dennis J. Beste, et al.          | 20            |
|    | 02-1366WA | United States v. Charles Friend                                | <b>NO ARG</b> |
| 2. | 02-1082WM | National Indemnity Company, et al. v. Lancer Insurance Company | 15            |
| 3. | 01-3170WM | United States v. Frenklyn Piggie                               | 15            |
| 4. | 01-3832EM | Charles Scharf v. Paul Zanaboni, M.D.                          | 10            |
|    | 02-1440WM | United States v. Thomas E. Hayslett                            | <b>NO ARG</b> |

**DIVISION II**  
**27<sup>th</sup> Floor**  
**Southeast Courtroom**

**WEDNESDAY, SEPTEMBER 11, 2002**

**THERE IS NO COURT SESSION IN DIVISION II ON WEDNESDAY.**

**THURSDAY, SEPTEMBER 12, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES MCMILLIAN, BRIGHT, BOWMAN**

**PAW**

1.	02-1382	National Labor Relations Board, et al. v. Wolfe Electric Company, etc.	15
2.	02-1298EA	Dorman Hartley v. Dillard's, Inc.	20
3.	02-1456	National Labor Relations Board v. Hardesty Company, Inc.	15
4.	01-3772WM	Kathleen M. Roche v. Saint Lukes Shawnee Mission Health System, Inc., et al.	15
5.	02-1944WM	Pure County, Inc., etc. v. Sigma Chi Fraternity, et al.	10

**FRIDAY, SEPTEMBER 13, 2002, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES BOWMAN, BRIGHT, FAGG**

**MER**

1.	02-1520WM	Robin Lawrence v. CNF Transportation, Inc.	20
2.	02-1048WM	Margaret Vaughn, et al. v. Sutton Ruoff, etc.	15
3.	02-1213WM	United States v. Cassie Patterson	15
4.	02-1800WM	Norma Seiner, et al. v. Christopher Drenon	15
5.	02-1742WM	United States v. Audra D. Gettler	10

**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**MONDAY, SEPTEMBER 9, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, HEANEY, BYE**

**BWB**

1.	01-3246WM	Steven L. Manning v. Michael Bowersox, etc., et al.	20
2.	01-3665EM	Stacey A. Lannert v. Patricia Jones, etc.	20
3.	02-1326EM	Douglas Colvin v. Lynda Taylor	15
4.	02-1249WM	David Williams, et al. v. Watkins Motor Lines, Inc.	15
5.	02-1343EM	United States v. Carlos Benitez-Diaz	15

**TUESDAY, SEPTEMBER 10, 2002 BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES WOLLMAN, HEANEY, BYE**

**TAB**

1.	02-1401EM	United States v. Edward M. Stulock	15
2.	02-1986EM	The Human Development Corporation of Metropolitan St. Louis v. United States Department of Health and Human Services, etc.	20
3.	02-1408EM	United States v. Steven Hart	15
4.	02-2065WM	United States v. Bushwa Farmer	15
5.	02-1918EM	James Miller v. Dave Dormire	15
6.	02-1052WM	United States v. Derrick D. Jones	10



**DIVISION III**  
**27<sup>th</sup> Floor**  
**Northeast Courtroom**

**WEDNESDAY, SEPTEMBER 11, 2002**

**THERE IS NO COURT SESSION IN DIVISION III ON WEDNESDAY.**

**THURSDAY, SEPTEMBER 12, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES M. ARNOLD, SMITH, BOGUE**  
**VLA**

1.	02-1468WM	Steven W. Brown v. United States	15
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**BEFORE JUDGES WOLLMAN, M. ARNOLD, BOGUE**

2.	02-1181WM	Byther Mae Williams, et al. v. Regency Financial Corp.	20
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3.	02-2370WM	R & M Oil & Supply, Inc., etc. v. John L. Saunders, etc.	20
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4.	02-1283EM	G.R. Toghiyany, etc. v. Amerigas Propane, Inc., etc., et al.	15
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	02-1559EM	United States v. Martin Taliaferro Sumlin	<b>NO ARG</b>
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**FRIDAY, SEPTEMBER 13, 2002, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES LOKEN, RILEY, SMITH**

		<b>MAM</b>	
1.	02-1174EM	Finley Lines Joint Protective Board Unit 200, etc. v. Norfolk Southern Railway, etc.	20

2.	01-3381EM	Harry D. Meehan, Jr., et al. v. United Consumers Club Franchising Corp, et al.	15
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3.	02-1604EM	United States v. Kerron Rhone	15
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4.	02-1267WM	Tylene J. Coonts, et al. v. John Potts, Sr., et al.	15
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5.	02-1833EM	Dennis Williams v. Mike Kemna	10
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**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**MONDAY, SEPTEMBER 9, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES LOKEN, FAGG, RILEY**

**YML**

- |    |           |   |               |
|----|-----------|---|---------------|
|    |           | In re: Airline Ticket Commission<br>Antitrust Litigation                              |               |
| 1. | 02-1639MN | American Society of Travel Agents v.<br>National Association for Public Interest Law  | 15            |
| 2. | 02-1949EM | Roger Niere, et al. v. St. Louis County,<br>Missouri                                  | 15            |
| 3. | 02-1663EA | Gary Shoaf v. American Way Transports,<br>Inc., et al.                                | 15            |
|    | 02-1389   | In re: Laclede Steel Company, Debtor<br>Laclede Steel Company v. Concast Canada, Inc. | <b>NO ARG</b> |
| 4. | 02-1979WA | Damian Sinclair v. John D. Hawke, etc., et al.  | 15            |

**TUESDAY, SEPTEMBER 10, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES M. ARNOLD, FAGG, MELLOY**

**DGH**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 02-1472EA | St. Paul Fire & Marine Insurance Company, et al.<br>v. Amsoil, Inc.                      |               |
|    | 02-1556EA | Amsoil, Inc. v. Insurance Company of North<br>America                                    |               |
|    | 02-1568EA | St. Paul Fire & Marine Insurance Company<br>v. Amsoil, Inc.                              |               |
|    | 02-1590EA | Amsoil, Inc. v. Scottsdale Insurance Company   | 15            |
| 2. | 02-1451WM | United States v. Damian T. Mincey  | 10            |
|    | 02-1464WM | United States v. Arthur L. Ballard   | <b>NO ARG</b> |
| 3. | 02-1668EA | Kenneth Thomas Trimble v. Larry Norris, etc.   | 15            |
| 4. | 02-1441EA | David Webb v. United States  | 10            |
| 5. | 02-1227EM | David Maegdlin v. International Association<br>of Machinists and Aerospace Workers, etc. | 10            |

**DIVISION IV**  
**27<sup>th</sup> Floor**  
**Southwest Courtroom**

**WEDNESDAY, SEPTEMBER 11, 2002**

**THERE IS NO COURT SESSION IN DIVISION IV ON WEDNESDAY.**

**THURSDAY, SEPTEMBER 12, 2002, BEGINNING AT 9:00 A.M.**  
**BEFORE JUDGES BYE, R. ARNOLD, BEAM**

**SKH**

- |    |                        |   |                |
|----|------------------------|---|----------------|
| 1. | 01-3775EM              | Brotherhood of Maintenance of Way<br>Employees, et al. v. Terminal Railroad<br>Association of St. Louis | 20             |
|    | 02-1423EM<br>02-1425EM | Wendi Ferguson Sellers v. John Joseph<br>Wendi Ferguson Sellers v. Norman Y.<br>Mineta, etc.            | <b>REMOVED</b> |
| 2. | 02-1379WM              | Linda D. Bond v. Cerner Corporation   | 15             |
|    | 02-1527WA              | DHC Resort, LLC v. Razorback Entertainment<br>Corporation, et al.                                       | <b>NO ARG</b>  |
|    | 02-1004EM              | United States v. Timmothy Thompson, Sr.   | <b>NO ARG</b>  |

**FRIDAY, SEPTEMBER 13, 2002, BEGINNING AT 8:30 A.M.**  
**BEFORE JUDGES BYE, BEAM, MELLOY**

**KAS**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 01-1777EA | Hall Contracting Corporation v. Entergy<br>Services, Inc.            | 20            |
| 2. | 02-1740WM | Kaytina Harrison v. Purdy Brothers Trucking<br>Company, Inc., et al. | 15            |
|    | 02-1659WM | United States v. Marlon D. Bell, etc.                                | <b>NO ARG</b> |
| 3. | 02-1601EA | Kendall Dodson, et al. v. J.C. Penney Life<br>Insurance Company      | 15            |
| 4. | 02-1178WM | United States v. Tucson D. Redd                                      | 10            |